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CHARLES ELMORE ORSPLEY
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1938.

No. 22

UNITED STATES OF AMERICA,

Petitioner,

vs.

CONTINENTAL NATIONAL BANK AND TRUST
COMPANY, A CORPORATION, TRUSTEE UNDER THE LAST
WILL AND TESTAMENT OF JAMES DUGGAN, DECEASED, ET AL.

*-On Writ of Certiorari to the Circuit Court of Appeals
for the Seventh Circuit.*

ANSWER TO PETITIONER'S MOTION FOR SUBSTITUTION.

CONTINENTAL NATIONAL BANK AND TRUST
COMPANY OF CHICAGO,

By EDWARD H. McDERMOTT,

Its Attorney-in-Fact.

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ANSWER TO PETITIONER'S MOTION FOR
SUBSTITUTION.

Comes now Continental National Bank and Trust Company of Chicago, a national banking association, with its principal office at Chicago, Illinois, appearing specially and not generally, and prays that the Motion for Substitution filed by petitioner herein to substitute the "Continental National Bank and Trust Company of Chicago, Illinois, executor under the last will and testament of Henry Dug-

gan, deceased" as a party defendant be denied for the following reason:

The corporation sought to be substituted is not and never has been the executor under the Last Will and Testament of Henry Duggan, deceased.

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AFFIDAVIT IN SUPPORT OF ANSWER TO PETI-
TIONER'S MOTION FOR SUBSTITUTION.

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

B. E. BRONSTON, Being first duly sworn, represents:

1. That he is Assistant Secretary of Continental Na-
tional Bank and Trust Company of Chicago, a national
banking association.

2. On October 3, 1938, said corporation received and acknowledged service of the aforesaid motion for its substitution in this proceeding as the executor of Henry Duggan, deceased, in which motion it is described as "Continental National Bank and Trust Company, Chicago, Illinois."

3. Said corporation is a party to this proceeding in its capacity as Trustee under item 3 of the Will of James Duggan, deceased, for the benefit of the late Timothy Duggan and certain other beneficiaries.

4. Said corporation is not and never has been the executor under the Last Will and Testament of Henry Duggan, deceased, or a Trustee under said will or the administrator of his estate. Its substitution as a party defendant in this proceeding in place of the said Henry Duggan, deceased, would be erroneous.

B. E. BRONSTON.

SUBSCRIBED and SWORN to before me this 6th day of October, 1938.

WILLIAM P. BEST,
Notary Public.

My commission expires May 24, 1941.